

## JAPS BOYCOTT A HILO MAN

### Obedience to Law Gets Contractor Lyman Into Trouble.

HILO, Nov. 25.—The town of Hilo has been stirred, although perhaps not so much as has been represented, by the publication in the local Japanese paper of a boycott against Rufus A. Lyman, one of the leading business men of the town. The paper in question, the Hilo Shimbun, in its issue of November 14, contained a notice which has been translated as follows:

"There is a white merchant in Hilo by the name of Lyman, whose family is always taking advantage of the Japanese, with whom they do business. A few days ago, we heard the rumor that they took the lead in the labor troubles at Kukaiaua discharging many Japanese laborers. Although this may be simply politics, it is unbecoming in them. If it is a fact, it is very bad for the Japanese."

"At present, nobody is buying anything, even beef or soda water from them, but are buying from other merchants. This is a natural consequence which comes upon his family, and step by step, they ruin themselves among our countrymen. In this community where the Japanese have been their largest customers, they must consider where their profits come from."

In the Shimbun of November 16, following this publication, appeared the following card:

#### "NOTICE TO JAPANESE."

"We hear the rumor among the Japanese in Hilo, an account of which appeared in No. 697 in the local news column of the Hilo Shimbun, published day before yesterday, that our family were the chief promoters in discharging Japanese laborers from the Kukaiaua road work, and therefore the Japanese have decided to oppose our family. We are very sorry for this. The facts of the case are that the Hawaiian Territorial legislature passed a law signed by Governor Dole, April 23, 1903, and published as Act 37, providing that no person shall be employed on the public works except citizens of this country. And if any person employs any other kind of labor, they will be punished by a fine not exceeding \$100 and not less than \$10."

"We acted under the law and we could not help ourselves. We never intended to harm the Japanese and if anybody is angry at us for our action, they should read the Laws of Hawaii. Really we have always sympathized with our countrymen, and as a proof, we employ Japanese in our business—in our stables, soda works and meat market. In closing, we most respectfully beg your best wishes."

(Signed) RUFUS LYMAN.  
"Hilo, Nov. 16, 1934."

#### SUNDAY LAW IN HILO.

The Herald says of the enforcement of the Sunday law:

"The matter of a Puritan Sabbath for Hawaii is one which just now has the attention of the public from Niihau to the furthest point on Hawaii. The Herald believes that in an inland town, far from the maddening crowd, such a thing has proven feasible, but in a Territory where every town is a seaport it will be difficult to purify all of the people all of the time. Such reform movements are inaugurated in different parts of the country at irregular seasons and the effect is momentary. The same result may be looked for in a Territory like Hawaii where every day is Sunday in so far as the morals of the community is concerned. High Sheriff Henry has the proper idea of how the Sabbath should be spent and he will probably see that the law is such that the public will not be deprived of every sort of relaxation on that day, because it is the day on which a great many people attend church. Any sort of enjoyment or labor that interferes with the comfort and peace of a citizen should not be tolerated in any community, but beyond that it will not be safe for the law to go. Hilo has not the saloon evil to the extent that the places have back door routes for the thirsty; when they close Saturday night they remain closed until Monday."

#### POSTOFFICE FIGHT.

The woods are still full of candidates for the Hilo Postmastership, and there are one or two hiding in the sugar cane fields, and that despite the fact that there is, as yet, no actual vacancy, and the present postmaster is conceded to be a most efficient official. However, there is no doubt that Madeira will go up one step in the service, and perhaps it is time for the candidates to begin getting their lightning rods into view. It is said that the place has been offered to George L. Desha, an employee of the Honolulu office. There is a strong pull being made for Chas. Siemsen. Two members of the Lyman family, Norman and Henry, are spoken of. W. H. Beers has been favorably mentioned as a satisfactory successor to the office.

#### HILO BRIEFS.

The cotillion by the local club was an innovation that will be long remembered. The decorations of the hall

were artistic and unique and reminded one of the old time barn dances on the mainland. For the accommodation of the ladies and gentlemen taking part in the dance bailes of hay were provided as seats to be used during the intermissions.

Homer L. Ross leaves for the coast in December to be absent about three months. He has some important professional business to attend to in Canada and if he can get through with it in time he will go to Ohio and return to Hilo with Mrs. Ross. Otherwise he will meet Mrs. Ross in San Francisco after his return to that place from Canada and accompany her to Hilo.

Rev. Walter C. Stewart has arrived from Boston to take charge of St. James Mission here.

Thos. C. Ridgway has gone on a brief business trip to San Francisco and will return on or about January 1st. He is not a candidate for the postmastership.

Admiral Beckley entertained several members of the executive committee and the officers of the Young Men's Republican Club at a wine dinner last Thursday night at Demosthenes' Cafe. The affair was impromptu and was greatly enjoyed by those who were honored with an invitation.

On Friday, about 10 o'clock a. m., while a boat from the S. S. Helene was attempting to make a landing at Papaikou Mill, a heavy sea swamped the craft, throwing the occupants into the water. Four of the five boatmen, who were natives, swam to places of safety, but Kauhe, a Hawaiian, was carried against the rocks, where it was impossible to rescue him before he became exhausted and was drowned.

The steamer Rosecrans of the Matson line will leave San Francisco for Hilo and Honolulu on November 25th.

About ten miles off port, Captain Youngren of the S. S. Enterprise passed a huge log drifting on the high sea. He reported the fact to Agent Guard of the Matson line, and on Sunday the tug Chas. Counselman went out in search of the derelict. The log was overhauled and towed into port. It was nearly seventy feet in length, white with barnacles showing that it had been adrift many years. The theory is that the tree must have drifted from the Oregon coast and was carried by the currents to the islands. Such floating timbers are a menace to navigation and often cause the sinking of a ship, when run into unawares.

## COULD HARDLY HAVE BEEN ONE

A man, while wandering in the village cemetery, saw a monument and read with surprise the inscription on it:

"A Lawyer and an Honest Man." The man scratched his head and looked at the monument again. He read the inscription over and over, then he walked all around the monument and examined the grave closely. Another man in the cemetery approached and asked him:

"Have you found the grave of an old friend?"

"No," said the first man, "but I was wondering how they came to bury those two fellows in one grave."

#### Dread Possibility.

It is rumored that several of our prominent young men may venture upon the sea of matrimony.—Maui News.

Mrs. Nakulua was hearing the Nuuanu valley water rights case in the Land Court room yesterday.

#### FOUNDED IN HONOUR.

No doubt you have seen in the papers such announcements as this concerning some medicine or other: "If, on trial, you write that this medicine has done you no good we will refund your money."—Now, we have never had reason to speak in that way concerning the remedy named in this article. In a trade extending throughout the world, nobody has ever complained that our medicine has failed, or asked for the return of his money. The public never grumbles at honestly and skillfully made bread, or at a medicine which really and actually does what it was made to do. The foundations of WAMPOLE'S PREPARATION are laid in sincerity and honour, the knowledge of which on the part of the people explains its popularity and success. There is nothing to disguise or conceal. It was not dreamed out, or discovered by accident; it was studied out, on the solid principles of applied medical science. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. This remedy is praised by all who have employed it in any of the diseases it is recommended to relieve and cure, and is effective from the first dose. In Anemia, Scrofula, Nervous and General Debility, Influenza, La Grippe, and Throat and Lung Troubles, it is a specific. Dr. Thos. Hunt Stucky says: "The continued use of it in my practice, convinces me that it is the most palatable, least nauseating, and best preparation now on the market." You can take it with the assurance of getting well. One bottle proves its intrinsic value. "You cannot be disappointed in it." Sold by all chemists everywhere.

## THE GOVERNOR PLUMPLY DEFIES GEAR'S CITATION

### Will Not Come Into Court and Divulge Public Matters In His Charge.

(From Saturday's Advertiser)

"I SHALL NOT ANSWER THE SUBPOENA, BECAUSE I DO NOT THINK IT COMFORTABLE WITH THE PUBLIC INTEREST."—Governor Carter in an interview with a representative of the Advertiser.

Governor Carter was subpoenaed to appear as a witness in the case of the Territory of Hawaii against Stephen Mahaulu, on trial before Judge Gear in the Circuit Court yesterday, and refused to honor the summons. Judge Gear then granted a motion, previously made to issue a citation today, calling the Governor to appear and answer why he should not be punished for contempt of court in ignoring the legal process.

The subpoena for the Governor was what is called in legal parlance a "subpoena duces tecum," which means a subpoena to appear in court and produce a certain paper, and calls upon Governor Carter to come into court and bring with him any document which he may have in his possession purporting to be the resignation of J. H. Fisher, Auditor of the Territory.

In other words, it is the old fight about undated resignations over again, and this time the Governor has concluded that he will not walk into the trap set for him.

"I shall not answer the subpoena, because I do not think it comfortable with the public interest," said Governor Carter in answer to a direct question yesterday.

"I was subpoenaed in the Dow case, and I went into court expecting to be asked what I knew about the case—and I was asked something entirely different. I do not know anything about this case and I do not propose, in the interest of the dignity of the Territory of Hawaii, to be subjected to that sort of thing again."

There have been few cases in which the courts of the United States have issued subpoenas of this class to the chief executives of States, but the law of such cases has been pretty plainly laid down in the decision of Chief Justice Marshall on the application for the issuance of a subpoena duces tecum for the President of the United States, Thomas Jefferson, during the celebrated trial of Aaron Burr: Burr and Jefferson were political enemies and had been political rivals, and there was perhaps some measure of politics in the request at that time for the issuance of a subpoena for the President.

Nevertheless, Justice Marshall held that a subpoena duces tecum could issue for the President, but that if the production of the papers demanded was not essential to the defense in a capital case, or if their production might be injurious to the public interest, that fact should be made to appear on the return of the subpoena. The Marshall decision has been followed by many others along similar lines, the purport of which would seem to be that the production of any state paper is discretionary with the executive, so far as the judiciary is concerned.

#### IT WAS NO SURPRISE.

Deputy Attorney General Prosser, after the adjournment of court, made a statement as follows:

"The motion for a citation was no surprise to the Territory. It had been fully prepared for. There can be only one outcome of the proceedings."

"All of the decisions in different States, where the question has ever arisen, are to the same effect. The chief executive in a government cannot be compelled to come into court as a witness and bring public documents with him."

"The decision by Chief Justice Marshall in the Burr case, it is true, held that the President of the United States might be subpoenaed, but you must know that in that case the President was not required to appear in court."

"In a Pennsylvania case, the court held that, if a chief executive were compelled to appear and divulge public business in his charge, the executive department might as well be abolished and its functions handed over to the judiciary. This is in keeping with the constitutional provision of the three departments of government—the executive, the legislative, and judicial."

"There was no room for misunderstanding of the remarks I made before the court. They showed that I officially represented the Governor and that the stand taken by the Governor was thoroughly considered in advance of the occasion."

#### PROCEEDINGS IN COURT.

A citation will be issued today to Governor Carter, commanding him to appear before Judge Gear on Monday morning next at 10 o'clock, to show cause if any he has why he should not be adjudged in contempt of court for disobeying a subpoena.

The alleged contempt arose yesterday afternoon in the trial of Stephen Mahaulu for embezzlement of public money. Frank E. Thompson, on the reopening of court at 2 o'clock, stated that he had caused a subpoena to the Governor, returnable at that hour, to be issued. As he did not observe the Governor present, he requested that the witness be called.

George R. Carter's name was accordingly cried by the bailiff three times in the court precincts without a response being returned.

Mr. Thompson suggested to the court that it should take some action with regard to the absence of the witness.

M. F. Prosser, Deputy Attorney General, now intervened with the following statement:

"On behalf of the Governor of the Territory of Hawaii I desire to ac-

knowledge the receipt and proper service of a subpoena issued out of this court requiring the attendance of the Governor of the Territory of Hawaii before this court at 2 o'clock on this day, and that he produce certain documents in his possession, in his official capacity, before this court at the time designated in said subpoena."

"The Governor of Hawaii presents his compliments to this court and respectfully declines, for reasons of public policy and the pressure of public business, to appear before this court in answer to said subpoena."

Judge Gear then asked Mr. Prosser if the Attorney General's Department was prepared to take any action in the premises.

Mr. Prosser answered that he was not aware of any proposed action.

Judge Gear then ordered the police officer guarding Mahaulu, as Bailiff Ellis was temporarily absent from the courtroom, to convey his compliments to Gov. Carter and inform him that it was the court's opinion that it was necessary he should appear in obedience to the subpoena.

Mr. Prosser here informed the court that it would be of no use to send a message to the Governor, as he had

informed him positively that he would not appear in court.

Judge Gear at this countermanded his order to the policeman and forthwith granted the motion for a citation to the Governor. In doing so he expressed regret that such an extreme measure was necessary, but he could see no reason why a Federal officer should hold himself above the law. He would have to proceed in the same manner as would be required in the case of any other subpoenaed witness. The citation was ordered to be made returnable at 10 o'clock Monday morning.

As the court was adjourning at a quarter to five, Judge Gear asked Mr. Thompson if he had prepared the citation. The attorney for the defendant replied that it would be ready this morning.

#### FORM OF SUBPOENA.

A "subpoena duces tecum" is defined in the Standard Dictionary thus: "A writ commanding a person to appear in court, bringing with him certain designated documents or things; literally, you will bring with you."

In Governor Carter's case, the document to be brought was the undated resignation of Auditor Fisher, the obvious intent of the desired evidence being to attack the competency of the Auditor as a witness for the Government, on the ground that he was under a sort of duress from having his undated resignation hanging over his head.

#### JUDGE GEAR ANNOYED.

Judge Gear, on being seen after adjournment of the court, spoke in depreciation of the unpleasant position in which the Governor's course placed him. He maintained that the Governor had not an iota of justification in law for disobeying the subpoena. In this regard he showed the Advertiser reporter the United States decision, rendered by Chief Justice Marshall in connection with the trial of Aaron Burr, where it was held the President of the United States was amenable to a subpoena duces tecum requiring him to bring a certain letter into court. One of the sections of the syllabus of that decision by the eminent American jurist reads as follows:

"A subpoena may issue to the President of the United States to compel his attendance as a witness, and an accused is entitled to take the course."

#### THE DISOBEYED MANDATE.

Following is a copy of the subpoena issued to Governor Carter, together with the serving officer's return thereon:

"In the Circuit Court of the First Circuit, Territory of Hawaii.

"Territory of Hawaii vs. Stephen Mahaulu. Subpoena.

"The Territory of Hawaii: To the High Sheriff of the Territory of Hawaii, or his Deputy; the Sheriff of the Island of Oahu or his Deputy; or any Constable in the Territory of Hawaii:

"You are commanded to subpoena George R. Carter to appear at the Court House in Honolulu, Island of Oahu, before Hon. George D. Gear on Friday the 25 day of November 1934 at 2 o'clock p. m. to testify as witness on the part of defendant in the above entitled matter and to bring with him any document or documents, writing on paper, being or purporting to be the resignation of J. H. Fisher, Auditor of the Territory of Hawaii.

"Hereof fail not, and of this process make due return.

"Witness the Honorable George D. Gear, 2nd Judge of the Circuit Court of the First Circuit, this 25th day of November 1934.

"WM. R. SIMS, Clerk."

"Served the within Subpoena by reading the same to the within named George R. Carter at Honolulu, Oahu, this 25th day of November, 1934, and at the same time handed.... the sum of .... as witness fees, and the sum of .... as traveling fees.

ALBERT MCGURN,  
Deputy Sheriff.

## FINANCE IN GOOD SHAPE

### Will Probably be Surplus In Treasury This Year.

"It is not the case," said Auditor Fisher yesterday, "that the money received for taxes in this Territory is all used in the payment of salaries, nor that all public improvements are paid for out of the bond fund. The Territorial expenditures within the past year have been well within the income, and from present indications the income for this fiscal year will cover the estimated expenditures very comfortably."

"The receipts for the current year, month by month, are holding up, in fact, very well. It is possible, of course, that there may be a falling off of say ten per cent, but I do not believe that there will be any falling off whatever."

"The salary appropriation bill for the present fiscal year, granted that very last cent of it should be drawn, \$563,000. The expense appropriation bill foots up, if every last cent should be drawn, \$569,491. This is a total of \$1,132,491, that is if the money should all be drawn out. Against this we have receipts from taxes amounting to \$1,631,193.49. And then there is the income from all other sources. The total of government receipts for the last fiscal year was \$2,415,356.33. As we make the estimate of the income, month by month, this year compares favorably with the last, showing perhaps a slight gain, so that I am well within the truth in the belief that there will be no falling off this year."

## GLANDERS IS IN TOWN

### Animal Inspectors Take Active Repressive Measures.

"There have been a few cases of glanders, and we are hunting it down as fast as we can."

Walter F. Dillingham, member of the Board of Animal Inspectors, gave the foregoing answer to an Advertiser reporter's question yesterday.

"The Board is getting actively to work," Mr. Dillingham continued, "to locate all suspicious cases and quarantine them until we can decide whether or not they have the disease."

"In this connection, it is very important to all stock owners in the country to assist in every way to round up these cases, and, as a special inducement, the law puts a penalty upon concealment, whether one conceals his own infected horse or holds back information about another's."

"So far we have located only two cases, in the last three weeks. Yes, they were in town. It is generally believed that glanders has been present for a number of years, but the development of a number of cases within the past three months has led to the taking of active steps to stamp out the disease altogether."

"The Board is hampered by having no appropriation with which to work, but we are hoping to get assistance from the Board of Health and also an advance of necessary funds from the Stock Breeders' Association, the idea being that any advances made by private institutions will be reimbursed through special act of the Legislature."

"All animals coming into the country are subjected to careful examination by our executive inspector, Dr. Rowat, or by Dr. Katsunuma, the other veterinary member of the Board."

## RAIN REMINDED HIM OF HILO

"This reminds me of Hilo," said A. B. Loebenstein yesterday afternoon as he stood in front of the Union Grill in a dripping rain coat. "But say, it rains worse in Honolulu than it does in Hilo. That's a fact. You can stand out in the rain in Hilo and you don't get wet. The women of Hilo think it's all right if it rains on Monday, because they put their washed clothes out on the lines to dry."

"If not, why not," never cracked a smile.

## A MASTER STROKE

### AN ASTONISHING VICTORY OVER OBSTINATE SCIATICA.

Disabled for Quarter of Century Miss Mack Now Resumes Her Interrupted Work. How She Was Cured.

Miss Catherine J. Mack, of No. 42 Forbes street, Jamaica Plain, Mass., has had a most remarkable experience as a victim of sciatica, probably the most excruciating and disabling form of neuralgia, as it involves the great nerve of the hips, and makes all motion of the lower half of the body torture. Other nerves sympathize, and the intensity and steadiness of the pain make the condition of the sufferer truly pitiable. After a quarter of a century of weakness and agony, Miss Mack is now entirely free from her affliction and for the benefit of others she gives the following account of her cure:

"My illness began twenty-five years ago. During all that time I had to remain in bed several days out of every week. I had constant and very severe pain in my right hip, knee and foot, also in my right hand; in fact, my whole right side seemed involved. The pain was so intense that it was almost impossible for me to sleep or even to turn in bed. For periods lasting sometimes for two weeks I could not cross the floor and the pain was then indescribable. My mind, too, was nearly distracted by my long sufferings. It seems to me that I have lost a lifetime in such misery."

"It was just about a year ago that I began to use Dr. Williams' Pink Pills for Pale People, the remedy that finally cured me. They were recommended to me by my niece, who had learned of their worth by personal experience. I took them persistently for four months in all. At the end of two months I realized great relief and in two months more I found myself again a well woman and able to take up my long neglected occupation as a dressmaker. I had been under the care of physicians for some years and had used numerous advertised remedies, but nothing did me any good until I took Dr. Williams' Pink Pills. They have cured me and I recommend them to all who tell me they suffer as I did."

Dr. Williams' Pink Pills have cured not only all forms of neuralgia, but also nervous prostration, partial paralysis, St. Vitus' dance and locomotor ataxia. They are sold by all druggists.